

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3
4 In the Matter of

5 **MARTIN S. CHATTMAN, M.D.**

6 Holder of License No. 7618
7 For the Practice of Medicine
In the State of Arizona.

Investigation Nos. 13352

**CONSENT AGREEMENT, FINDINGS
OF FACT, CONCLUSIONS OF LAW
AND CONSENT ORDER
(Decree of Censure & Probation)**

8 By mutual agreement and understanding, between the Arizona Board of Medical
9 Examiners (hereafter "Board") and Martin S. Chattman, M.D., the parties agree to the
10 following disposition of this matter.

11 1. Dr. Chattman acknowledges that he has read this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Consent Order; and, he is aware of
13 and understands the content of this document.

14 2. Dr. Chattman acknowledges and understands that this Consent Agreement and the
15 Consent Order will not become effective until approved by the Board and signed by its
16 Executive Director.

17 3. All admissions made by Dr. Chattman are solely for final disposition of this matter
18 and any subsequent related administrative proceedings or civil litigation involving the
19 Board and Dr. Chattman. Therefore, said admissions by Dr. Chattman are not intended or
20 made for any other use, such as in the context of another state or federal government
21 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
22 any other state or federal court.

23 4. Dr. Chattman acknowledges that any violation of this Consent Agreement
24 constitutes unprofessional conduct within A.R.S. § 32-1401(25)(r), and will result in his
25 license being automatically summarily suspended pursuant to A.R.S. § 32-1451(D).

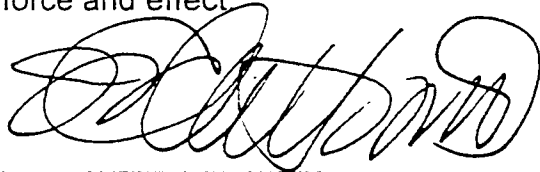
1 Alternatively, Dr. Chattman may request cancellation of his Board license if he admits to
2 misconduct and so stipulates, pursuant to A.R.S. § 32-1433; however, the Board reserves
3 the authority to take disciplinary action and therefore not grant a requested cancellation of
4 license.

5 6. In the event of Dr. Chattman's Board license being revoked or cancelled he agrees
6 that he will not reapply for a license for five (5) years from the date of cancellation.
7 Furthermore, by signing this Consent Agreement, Dr. Chattman waives and relinquishes
8 any right to appeal from or challenge this Order by initiating any type of administrative or
9 judicial review of this Order.

10 7. Dr. Chattman acknowledges and agrees that, upon signing this agreement, and
11 returning this document (or a copy thereof) to the Board's Executive Director, Dr.
12 Chattman may not revoke his acceptance of the Consent Agreement and Consent Order
13 or make any modifications to the document, although the Consent Agreement has not yet
14 been accepted by the Board and issued by the Executive Director. Any modifications to
15 this original document are ineffective and void unless mutually approved by the parties.

16 8. Dr. Chattman further understands that this Consent Agreement and Consent Order,
17 once approved and signed, shall constitute a public record document, which may be
18 publicly disseminated as a formal action of the Board.

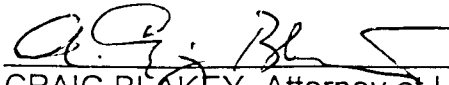
19 9. If any part of the Consent Agreement and Consent Order is later declared void or
20 otherwise unenforceable, the remainder of the Consent Order in its entirety shall remain in
21 force and effect.

22 

23 MARTIN S. CHATTMAN, M.D.

24 Dated: 3-31-00

1 Reviewed and approved as to form by:

2 
3 CRAIG BLAKEY, Attorney at Law
(Counsel for Dr. Chattman)

Dated: 5-3-2000

4
5 FINDINGS OF FACT

6 1. The Board is the duly constituted authority for the regulation and control of the
7 practice of allopathic medicine in the State of Arizona.

8 2. Dr. Chattman is the holder of License No. 7618 for the practice of allopathic
9 medicine in the State of Arizona.

10 3. Investigation No. 13352 was initiated when the Board received information
11 regarding possible prescribing violations by Martin S. Chattman, M.D. Various pharmacies
12 were concerned about Dr. Chattman's prescribing of controlled substances for a patient,
13 C.B. and others who all had the same home address.

14 4. Dr. Chattman wrote prescriptions for C.B. in her own name and using fictitious
15 names and the names of other of his patients, for Methadone and Dexedrine.

16 5. Dr. Chattman admitted to providing these prescriptions and acknowledged that he
17 was wrong in doing so.

18 6. Dr. Chattman admitted using other patient names to avoid detection of C.B.'s true
19 identity.

20 7. Dr. Chattman did not make entries regarding all of these prescriptions in the patient
21 chart of C.B.

22 8. Dr. Chattman did inappropriately make some entries regarding these prescriptions
23 in the charts of patients in who's names he wrote prescriptions which were actually
24 provided to C.B.
25

1 9. During its regular meeting on February 2, 2000, the Board reviewed this
2 investigation and voted to refer the case on Dr. Chattman to the Office of Administrative
3 Hearings for a Formal Hearing.

4 10. This matter was submitted to the Board to review a proposed Consent Agreement,
5 Findings Of Fact, Conclusions Of Law And Consent Order, which was approved during the
6 Board's public meeting on April 26-28, 2000.

7 **CONCLUSIONS OF LAW**

8 1. The Board possesses jurisdiction over the subject matter hereof and over Dr.
9 Chattman.

10 2. The conduct and circumstances described above in paragraphs 4 to 8 constitute
11 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(a), violating any federal or state
12 laws or rules and regulations applicable to the practice of medicine.

13 3. The conduct and circumstances described above in paragraphs 4 to 10 constitute
14 unprofessional conduct pursuant to A.R.S. § 13-3308(A)(6), a person shall not knowingly
15 obtain or procure the administration of a narcotic drug by fraud, deceit, misrepresentation
16 or subterfuge.

17 4. The conduct and circumstances described above in paragraphs 4 to 10 constitute
18 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(e), failing or refusing to maintain
19 adequate records on a patient.

20 5. The conduct and circumstances described above in paragraphs 4 to 10 constitute
21 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q), any conduct or practice that
22 is or might be harmful or dangerous to the health of the patient or the public.

23 6. The conduct and circumstances described above in paragraphs 4 to 10 constitute
24 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(t), knowingly making any false
25

1 or fraudulent statement, written or oral, in connection with the practice of medicine or if
2 applying for privileges or renewing an application for privileges at a health care institution.

3 7. The conduct and circumstances described above in paragraphs 4 to 10 constitute
4 unprofessional conduct pursuant to A.R.S. § 32-1968(C), a prescription order shall contain
5 the date it was issued, the name and address of the person for whom or owner of the
6 animal for which the drug is ordered, the name, strength and quantity of the drug ordered
7 and directions for its use. A written prescription order shall contain the printed name of the
8 prescriber.

9 8. The conduct and circumstances described above in paragraphs 4 to 10 constitute
10 unprofessional conduct pursuant to 21 C.F.R. 1306.05(a), all prescriptions for controlled
11 substances shall be dated as of, and signed on, the day when issued and shall bear the
12 full name and address of the patient, the drug name, strength, dosage form, quantity
13 prescribed, directions for use and the name address and registration number of the
14 practitioner.

15 ORDER

16 IT IS HEREBY ORDERED THAT:

17 1. Dr. Chattman is hereby issued a Decree of Censure for his unprofessional conduct
18 as described above.

19 2. Dr. Chattman is placed on five (5) years probation with the following terms:

20 (A) Dr. Chattman shall submit to psychological and psychometric evaluation by
21 practitioners approved in advance by Board staff (hereafter, "Board consultants") within
22 (30) days from the date of this Order. Dr. Chattman shall pay the expense of the
23 evaluations. The Board consultants shall provide written confidential evaluation reports to
24 the Board or authorized Board staff. The evaluations and Board consultant reports are
25 prepared solely for the benefit of the Board; and therefore the Board consultants are not

1 treating Dr. Chattman as a patient. Dr. Chattman shall authorize the release to the
2 Board or Board consultant, upon request, all records relating to his previous medical
3 or psychological history.

4 (B) Dr. Chattman shall not write prescriptions for schedule II or III drugs for a
5 period of one year from the date of this order, and shall submit to the Board copies of all
6 Schedule II and III prescriptions written for the remainder of the probationary term.

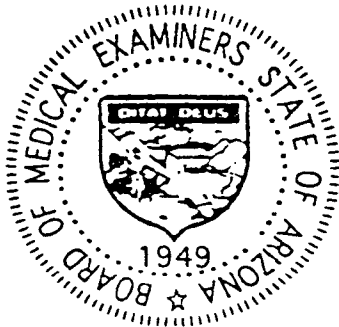
7 (C) Dr. Chattman shall obtain twenty hours of continuing medical education
8 (CME) in the area of pain management, including, if available, co-dependency and
9 transference issues. This CME shall be approved in advance by Board staff, shall be
10 obtained within 18 months of the effective date of this order, and shall be in addition to the
11 twenty (20) hours of CME required for license renewal.

12 3. The Board retains jurisdiction and may initiate new action based upon any
13 allegation of violation of this Order.

14 4. This Order is final disposition of Investigation No. 13352.

15 DATED and effective this 3rd day of May, 2000.

16 (SEAL)



17 BOARD OF MEDICAL EXAMINERS
18 OF THE STATE OF ARIZONA

19 By

20 Claudia Foutz
21 CLAUDIA FOUTZ
22 Executive Director

23 ORIGINAL of the foregoing filed this
24 3rd day of May, 2000 with:

25 The Arizona Board of Medical Examiners
1651 East Morten, Suite 210
Phoenix, AZ 85020

1 EXECUTED COPY of the foregoing mailed by
2 Certified Mail this 3rd day of May, 2000 to:

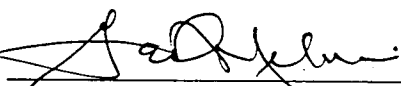
3 Martin S. Chattman, M.D.
4 34155 N. Scottsdale Road
5 Scottsdale, AZ 85262

6 EXECUTED COPY of the foregoing mailed
7 this 3rd day of May, 2000, to:

8 Craig Blakey
9 Attorney at Law
10 7243 N. 16th St.
11 Phoenix, AZ 85020
12 (Attorney for Dr. Chattman)

13 EXECUTED COPY of the foregoing
14 hand-delivered this 3rd day of
15 May, 2000, to:

16 Michael Harrison
17 Assistant Attorney General
18 c/o Arizona Board of Medical Examiners
19 1651 East Morten, Suite 210
20 Phoenix, AZ 85020

21 
22 _____
23 Board Operations
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